

Docket No. 43966-CB/JPW/AJD

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AJ

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Graham P. Allaway et al.
Serial No.: 09/904,356 Examiner: Jeffrey S. Parkin
Filed: July 12, 2001 Group Art Unit: 1648
For: METHODS FOR USING RESONANCE ENERGY TRANSFER-BASED ASSAY OF HIV-1 ENVELOPE GLYCOPROTEIN-MEDIATED MEMBRANE FUSION, AND KITS FOR PRACTICING SAME

1185 Avenue of the Americas
New York, New York 10036
May 17, 2005

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**NOTICE OF APPEAL FROM THE EXAMINER'S DECISION
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicants hereby appeal to the Board from the decision of the Examiner mailed November 17, 2004 finally rejecting pending claims 7-9 and 13 in connection with the above-identified application. The required fee for filing a Notice of Appeal under 37 C.F.R. §1.17(b) is TWO HUNDRED AND FIFTY DOLLARS (\$250.00) for a small entity, and a check for this amount is enclosed.

Since a response to the November 17, 2004 Final Office Action was filed within two months of the mailing date of the Final Office Action and no Advisory Action has yet been issued, applicants note that no extension of time is required for filing this Notice of Appeal. Accordingly, this Notice of Appeal is being timely filed.

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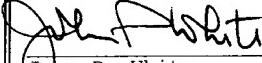
No fee, other than the enclosed \$250.00 fee for filing a Notice of Appeal, is deemed necessary. However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:
Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

 5/17/05

John P. White	Date
Reg. No. 28,678	